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09300SB2134sam002

LRB093 14113 RLC 47590 a

1 AMENDMENT TO SENATE BILL 2134

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2134 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by adding  
5 Section 21-10 as follows:

6 (720 ILCS 5/21-10 new)

7 Sec. 21-10. Criminal use of a motion picture exhibition  
8 facility.

9 (a) Any person, where a motion picture is being exhibited,  
10 who knowingly operates an audiovisual recording function of a  
11 device without the consent of the owner or lessee of that  
12 exhibition facility and of the licensor of the motion picture  
13 being exhibited is guilty of criminal use of a motion picture  
14 exhibition facility.

15 (b) Sentence. Criminal use of a motion picture exhibition  
16 facility is a Class 4 felony.

17 (c) The owner or lessee of a facility where a motion  
18 picture is being exhibited, the authorized agent or employee of  
19 that owner or lessee, or the licensor of the motion picture  
20 being exhibited or his or her agent or employee, who alerts law  
21 enforcement authorities of an alleged violation of this Section  
22 is not liable in any civil action arising out of measures taken  
23 by that owner, lessee, licensor, agent, or employee in the  
24 course of subsequently detaining a person that the owner,

1 lessee, licensor, agent, or employee, in good faith believed to  
2 have violated this Section while awaiting the arrival of law  
3 enforcement authorities, unless the plaintiff in such an action  
4 shows by clear and convincing evidence that such measures were  
5 manifestly unreasonable or the period of detention was  
6 unreasonably long.

7 (d) This Section does not prevent any lawfully authorized  
8 investigative, law enforcement, protective, or intelligence  
9 gathering employee or agent of the State or federal government  
10 from operating any audiovisual recording device in any facility  
11 where a motion picture is being exhibited as part of lawfully  
12 authorized investigative, protective, law enforcement, or  
13 intelligence gathering activities.

14 (e) This Section does not apply to a person who operates an  
15 audiovisual recording function of a device in a retail  
16 establishment solely to demonstrate the use of that device for  
17 sales and display purposes.

18 (f) Nothing in this Section prevents the prosecution for  
19 conduct that constitutes a violation of this Section under any  
20 other provision of law providing for a greater penalty.

21 (g) In this Section, "audiovisual recording function"  
22 means the capability of a device to record or transmit a motion  
23 picture or any part of a motion picture by means of any  
24 technology now known or later developed and "facility" does not  
25 include a personal residence.

26 Section 99. Effective date. This Act takes effect upon  
27 becoming law."